

**UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
DOCKETING STATEMENT--CIVIL/AGENCY CASES**

Directions: Counsel must make a **docketing statement (civil/agency) filed** entry in CM/ECF within 14 days of docketing of the appeal, or within the due date set by the clerk's docketing notice, whichever is later. File with the entry the (1) docketing statement form with any extended answers and (2) any transcript order form. Parties proceeding pro se are not required to file a docketing statement. Opposing counsel who finds a docketing statement inaccurate or incomplete may file any objections within 10 days of service of the docketing statement using the ECF event-**docketing statement objection/correction filed**.

Appeal No. & Caption	24-1225 - In Re Aqueous Film-Forming
Originating No. & Caption	MDL No. 2:18-mn-2873-RMG - In Re Aqueous Film-Forming
Originating Court/Agency	USDC, District of South Carolina, Charleston Division

Jurisdiction (answer any that apply)		
Statute establishing jurisdiction in Court of Appeals	28 U.S.C. § 1291	
Time allowed for filing in Court of Appeals	60 days	
Date of entry of order or judgment appealed	2/8/24 and 2/26/24	
Date notice of appeal or petition for review filed	3/11/24	
If cross appeal, date first appeal filed		
Date of filing any post-judgment motion		
Date order entered disposing of any post-judgment motion		
Date of filing any motion to extend appeal period		
Time for filing appeal extended to		
Is appeal from final judgment or order?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
If appeal is not from final judgment, why is order appealable?		

Settlement (The docketing statement is used by the circuit mediator in pre-briefing review and mediation conducted under Local Rule 33. Counsel may make a confidential request for mediation by calling the Office of the Circuit Mediator at 843-731-9099.)		
Is settlement being discussed?	<input checked="" type="radio"/> Yes	<input type="radio"/> No

Transcript (transcript order must be attached if transcript is needed and not yet on file)		
Is transcript needed for this appeal?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Has transcript been filed in district court?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Is transcript order attached?	<input type="radio"/> Yes	<input checked="" type="radio"/> No

Case Handling Requirements (answer any that apply)	
Case number of any prior appeal in same case	No. 24-2077
Case number of any pending appeal in same case	
Identification of any case pending in this Court or Supreme Court raising similar issue	If abeyance or consolidation is warranted, counsel must file an appropriate motion.
Is expedited disposition necessary?	<input type="radio"/> Yes <input checked="" type="radio"/> No If yes, motion to expedite must be filed.
Is oral argument necessary?	<input checked="" type="radio"/> Yes <input type="radio"/> No
Does case involve question of first impression?	<input checked="" type="radio"/> Yes <input type="radio"/> No
Does appeal challenge constitutionality of federal or state statute in case to which federal or state government is not a party	<input type="radio"/> Yes <input checked="" type="radio"/> No If yes, notice re: challenge to constitutionality of law must be filed.

Nature of Case (Nature of case and disposition below. Attach additional page if necessary.)
<p>The JPML assigned the district court numerous cases alleging the DuPont Defendants manufactured and distributed per- and polyfluoroalkyl substances (PFAS) that contaminated drinking water supplies across the country. Plaintiffs and DuPont negotiated a settlement and presented it for approval with a request for class certification under Fed. R. Civ. P. 23(b)(3).</p> <p>The Metropolitan Water District of Southern California (Metropolitan) opted out of the class and filed written objections to the settlement agreement (and to related guidance that accompanied the agreement). Metropolitan pointed out that the guidance purported to release claims belonging to wholesale water providers that have opted out of the class (like Metropolitan). The district court received Metropolitan's objections, overruled them, certified a Rule 23(b)(3) class, approved the settlement, and entered judgment.</p> <p>Metropolitan noticed an appeal from the judgment and the order approving the settlement in order to challenge the overbroad release. The Fourth Circuit permits appeals by nonparties who have actively participated in district court proceedings and who are aggrieved by a judgment or order. See <i>Doe v. Pub. Citizen</i>, 749 F.3d 246, 259–62 (4th Cir. 2014). Further, to remove any doubts about appellate jurisdiction, Metropolitan also moved to intervene in the district court for the purpose of appealing. The district court has not yet ruled on that motion.</p>

Issues (Non-binding statement of issues on appeal. Attach additional page if necessary)

In a Rule 23(b)(3) class action, does a district court err by approving a settlement agreement containing a release that, by its terms, purports to extend to claims by persons or entities who have opted out of the class?

Adverse Parties (List adverse parties to this appeal and their attorneys; provide party's address if the party is not represented by counsel. Attach additional page if necessary.)

Adverse Party: Dupont De Nemours Inc
Corteva Inc

Attorney: Amy Rachel McCalib
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Adverse Party: Dupont De Nemours Inc
Corteva Inc

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Adverse Parties (continued)

Adverse Party: Dupont De Nemours Inc
Corteva Inc

Attorney: Katherine LI Hacker
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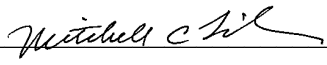
Phone: (303) 592-3100

Adverse Party: Dupont De Nemours Inc
Corteva Inc

Attorney: Molly Hood Craig
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Phone: (843) 577-4435

Appellant (Attach additional page if necessary.)	
Name: The Metropolitan Water District of Southern Southern California Attorney: Mitchell C. Tilner Address: Horvitz & Levy LLP 3601 West Olive Avenue, 8th Floor Burbank, California 91505 E-mail: mtilner@horvitzlevy.com Phone: (818) 995-0800	Name: The Metropolitan Water District of Southern Southern California Attorney: Peder K. Batalden, Address: Horvitz & Levy LLP 3601 West Olive Avenue, 8th Floor Burbank, California 91505 E-mail: pbatalden@horvitzlevy.com Phone: (818) 995-0800
Appellant (continued)	
Name: Attorney: Address: E-mail: Phone:	Name: Attorney: Address: E-mail: Phone:
Signature: <u></u> Date: <u>4/1/2024</u>	
Counsel for: <u>The Metropolitan Water District of Southern California</u>	
Certificate of Service (required for parties served outside CM/ECF): I certify that this document was served on _____ by <input type="checkbox"/> personal delivery; <input type="checkbox"/> mail; <input type="checkbox"/> third-party commercial carrier; or <input type="checkbox"/> email (with written consent) on the following persons at the addresses or email addresses shown:	
Signature:	Date:

Adverse Parties (continued)	
<p>Adverse Party: Dupont De Nemours Inc Corteva Inc</p> <p>Attorney: Steven J Nachtwey Address: Bartlit Beck LLP 54 W Hubbard St Suite 300 Chicago, IL 60654</p> <p>E-mail: steven.nachtwey@bartlit-beck.com</p> <p>Phone: (312) 494-4400</p>	<p>Adverse Party: Dupont De Nemours Inc Corteva Inc</p> <p>Attorney: Sundeep Addy Address: Bartlit Beck LLP 1801 Wewatta Street Suite 1200 Denver, CO 80202</p> <p>E-mail: rob.addy@bartlit-beck.com</p> <p>Phone: (303) 592-3100</p>
Adverse Parties (continued)	
<p>Adverse Party: The Chemours Company The Chemours Company FC, LLC</p> <p>Attorney: David B Dwerlkotte Address: Shook Hardy and Bacon LLP 2555 Grand Boulevard Kansas City, MO 64108</p> <p>E-mail: dbdwerlkotte@shb.com</p> <p>Phone: (816) 474-6550</p>	<p>Adverse Party: The Chemours Company The Chemours Company FC, LLC E.I. du Pont de Nemours & Company</p> <p>Attorney: David R Erickson Address: Shook Hardy and Bacon LLP 2555 Grand Boulevard Kansas City, MO 64108</p> <p>E-mail: derickson@shb.com</p> <p>Phone: (816) 474-6550</p>
Adverse Parties (continued)	
<p>Adverse Party: The Chemours Company The Chemours Company FC, LLC E.I. du Pont de Nemours & Company</p> <p>Attorney: James B Hood Address: Hood Law Firm PO Box 1508 Charleston, SC 29402</p> <p>E-mail: james.hood@hoodlaw.com</p> <p>Phone: (843) 577-4435</p>	<p>Adverse Party: The Chemours Company The Chemours Company FC, LLC</p> <p>Attorney: Kimbrilee M Weber Address: Norris McLaughlin PA 7 Times Square, 21st Floor New York, NY 10036-6524</p> <p>E-mail: kmweber@norris-law.com</p> <p>Phone: (917) 369-8886</p>

Adverse Parties (continued)	
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Adverse Parties (continued)	
<p>Adverse Party: The Chemours Company The Chemours Company FC, LLC E.I. du Pont de Nemours & Company</p> <p>Attorney: Molly Hood Craig</p> <p>Address: Hood Law Firm LLC 172 Meeting Street Charleston, SC 29401</p> <p>E-mail: molly.craig@hoodlaw.com</p> <p>Phone: (843) 577-4435</p>	<p>Adverse Party: The Chemours Company The Chemours Company FC, LLC E.I. du Pont de Nemours & Company</p> <p>Attorney: Alice W Parham Casey</p> <p>Address: Wyche PA (Cola) 807 Gervais Street, Suite 301 Columbia, SC 29201</p> <p>E-mail: tcasey@wyche.com</p> <p>Phone: (803) 254-6542</p>
Adverse Parties (continued)	
<p>Adverse Party: The Chemours Company The Chemours Company FC, LLC E.I. du Pont de Nemours & Company</p> <p>Attorney: Katherine LI Hacker</p> <p>Address: Bartlit Beck LLP 1801 Wewatta Street, Suite 1200 Denver, CO 80202</p> <p>E-mail: kat.hacker@bartlitbeck.com</p> <p>Phone: (303) 592-3100</p>	<p>Adverse Party: E.I. du Pont de Nemours & Company</p> <p>Attorney: Joshua P Ackerman</p> <p>Address: Bartlit Beck LLP 54 W Hubbard Street Chicago, IL 60654</p> <p>E-mail: josh.ackerman@bartlitbeck.com</p> <p>Phone: (312) 494-4400</p>

Adverse Parties (continued)	
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Adverse Parties (continued)	
<p>Adverse Party: Plaintiffs</p> <p>Attorney: Fred Thompson , III Address: Motley Rice (Mt Pl) 28 Bridgeside Boulevard Mt Pleasant, SC 29464</p> <p>E-mail: fthompson@motleyrice.com</p> <p>Phone: (843) 216-9000</p>	<p>Adverse Party: Plaintiffs</p> <p>Attorney: Joseph F Rice Address: Motley Rice PO Box 1792 Mt Pleasant, SC 29465</p> <p>E-mail: jrice@motleyrice.com</p> <p>Phone: (843) 216-9000</p>

Adverse Parties (continued)	
<p>Adverse Party: Plaintiffs</p> <p>Attorney: Michael A London Address: Douglas and London PC 59 Maiden Lane 6th Floor New York, NY 10038</p> <p>E-mail: mlondon@douglasandlondon.com</p> <p>Phone: (212) 566-7500</p>	<p>Adverse Party: Plaintiffs</p> <p>Attorney: Paul J Napoli Address: Napoli Shkolnik 1302 Avenida Ponce de Leon Santurce Puerto Rico</p> <p>E-mail: pnapoli@napolilaw.com</p> <p>Phone: (833) 271-4502</p>
Adverse Parties (continued)	
<p>Adverse Party: Plaintiffs</p> <p>Attorney: Scott Summy Address: Baron & Budd PC 3102 Oak Lawn Avenue Suite 1100 Dallas, TX 75219</p> <p>E-mail: ssummy@baronbudd.com</p> <p>Phone: (214) 521-3605</p>	<p>Adverse Party: Plaintiffs</p> <p>Attorney: Frederick S. Longer Address: Levin, Fishbein, Sedran & Berman 510 Walnut Street Suite 500 Philadelphia, PA 19106</p> <p>E-mail: FLonger@lfsblaw.com</p> <p>Phone: (215) 592-1500</p>